THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 19913 of 2005

DATED: 09-09-2005

Between:

Baikadi Poshanna, s/o Rajanna,
R/o Chickli Village, Makloor Mandal, Nizamabad District.

..... PETITIONER

AND

1 The Superintendent of police, Nizamabad, Nizamabad District.
2 Circle Inspector of Police, Rural, Nizamabad, Nizamabad District.
3 Sub Inspector of Police, Makloor Police Station,

Makloor, Nizamabad District.
4 Sudda Rajeswar, Sarpanch, Chickli Gram Panchayat Chickli,

Makloor Mandal, Nizamabad District.
5 Lakpathi, Village Secretary, Gram Panchayat Secretariat,

Chickli Village, Makloor Mandal, Nizamabad District.
6 Peda Kapu Rajeswar,
Chickli Village, Makloor Mandal, Nizamabad District.
7 Venkat Rao, Ex.Patwari
Chickli Village, Makloor Mandal, Nizamabad District.
8 Chinna Devanna
Chickli Village, Makloor Mandal, Nizamabad District.
9 Chakali Vaddenna
Chickli Village, Makloor Mandal, Nizamabad District.
10 Kuruma Cheviti Bhomanna
Chickli Village, Makloor Mandal, Nizamabad District.
11 Nara Goud
Chickli Village, Makloor Mandal, Nizamabad District.

.....RESPONDENTS

Counsel for the Petitioner:MR.J.KANAKAIAH

Counsel for the Respondent No.: GP FOR HOME

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 19913 of 2005

ORDER:

Declaring the action of the respondents 1 to 3 in not taking action against the respondents 4 to 11 by registering a case in spite of the complaint made by the petitioner on 18-07-2005 as illegal, arbitrary and contrary to law, the present writ petition has been filed.

Learned counsel for the petitioner contended that inspite of the prima facie case being made out from the allegations of the complaint to take cognizance against the respondents 4 to 11, respondents 1 to 3 have not taken any action and therefore, the petitioner seeks a direction to the police to register the case.

On the other hand, the learned G.P. for Home contended that it is for the 3rd respondent to take appropriate decision in accordance with law under the provisions of Section 154 of the Criminal Procedure Code if the allegations in the complaint made out a prima facie case of the cognizable offence.

A perusal of the complaint clearly goes to show that there is some rivalry between both the petitioner and respondents-4 to 11 with regard to the agricultural lands. However, the question as to whether the accused has committed the offence in question and whether there is a prima facie case or not to proceed against them in the absence of an enquiry or a thorough investigation, cannot be gone into at this stage of the proceedings, by invoking the jurisdiction of this court under Article 227 of the Constitution.

Therefore, in the facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel that it would be just and proper to direct the 3rd respondent to register a case against respondents-4 to 11 if a prima facie case of cognizable offence is made out.

Subject to the above direction, this writ petition is disposed of. No order as to costs.

_____

K.C.BHANU, J.

Dated 09-09-2005.

Note: Issue CC by wire

At party’s costs.

B/O

RNS